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Rule 19 of Schedule IV to the Madras District Municipalities Act casts an obligation on the executive authorities of municipal councils to serve a notice on all persons assessable to profession tax, requiring them to furnish particulars of income for purposes of assessment to profession tax. It is considered unnecessary and wasteful to ask such employees individually to submit a return of their income as the particulars can be secured from the employers under section 97 of the Act. It is accordingly proposed in the draft rule to amend rule 19 of Schedule IV to the Act so as to give the executive authority discretion to call for return of income only from persons in respect of whom it has not secured information under section 97 of the Act. With these words, Sir, I move that the draft rule be approved."

The motion was put and carried.

III.—GOVERNMENT BILL.

THE MALABAR TENANCY (AMENDMENT) BILL, 1953 (L.A. BILL NO. 12 OF 1953).

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Mr. Speaker, Sir, I beg to present the Report [a] of the Joint Select Committee on the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) and move—

> '*That the Bill, as amended by the Joint Select Committee, be taken into consideration.*' "

SRI K. P. GOPALAN :—" On a point of order, Sir, In rule 93 of the Madras Assembly Rules, it is stated that after the expiry of fifteen days from the making of the Report, the Member in charge may move that the Bill, as reported by the Select Committee, be taken into consideration."

MR. SPEAKER :—" The other day the same question was raised by some hon. Member and I told the House that I had waived notice."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I think it will be necessary to apprise the House of the changes made by the Joint Select Committee.

" The Joint Select Committee held six sittings in all, and considered the provisions of the Bill in the light of the several representations received from the various landed interests in the areas to which the Malabar Tenancy Act applied. In the Bill, as originally introduced in this House, the Committee has made certain important changes. I shall state them briefly :

" '*Ulkudi*' as defined in the original Amendment Bill referred to a hut on a dry land or garden land but not to a hut on wet land. As it was represented that in certain areas

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[a] Printed as Appendix VII on pages 275–298 infra.

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ulkudis are put up on wet lands also the Committee decided to widen the definition so as to make it applicable to ulkudis on wet lands also. Under the original Bill the holders of ulkudis situated outside Fort Cochin were not entitled to fixity of tenure and were liable to be evicted on the landlord giving them three years' notice. The Joint Select Committee thought that this provision was inadequate and decided in favour of granting fixity of tenure to all ulkudi holders, who had been in occupation of the ulkudis continuously for a period of three years.

"Sections 14 and 20 of the Malabar Tenancy Act specify the grounds on which the tenants governed by the Act can be evicted. Under clause (5) of these sections a landlord can evict a tenant if the holding is needed by him bona fide for raising crops for his own maintenance or that of his family. The Bill as originally introduced sought to provide that the landlord shall pay to the tenant on eviction a compensation equal to one year's net income derived by him from the holding. After a full and detailed consideration of all the issues involved, the Committee decided that no tenant should be rendered liable to eviction under clause (5) of section 14 or 20 if he or his family has been in occupation of the holding continuously for a period of 12 years.

"Over and above this, to define the scope of the expression "*bona fide* need" in relation to clause (5), the Committee decided to add an explanation stating that in considering requirements of maintenance, regard shall be had only to primary needs. The insertion of the explanation strengthens the position of those few tenants who may have obtained possession of the holding within the last 12 years.

"The Joint Select Committee has introduced another change in sections 14 and 20, namely, that, under clauses (5) and (6), no eviction should be allowed in favour of an alienee until after the expiry of two years from the date of the alienation in his favour.

"Another important change made by the Joint Select Committee relates to fair rent. Under section 6 of the principal Act the tenant of a wet land has to pay as fair rent, an amount equal to one-half of the annual assessment on the land, in addition to the prescribed share of the produce. The Joint Select Committee considered that the tenant should not be made liable for half the assessment and decided to delete clause (*b*) of section 6.

"Under the original Bill, the rent court was to be presided over by an officer not below the rank of a Revenue Divisional Officer. The Joint Select Committee thought that it would be more convenient for the tenant if Tahsildars also could be authorized to function as rent courts. Accordingly, the Committee has amended the definition of 'rent court' so that its functions may be performed by a Tahsildar also.

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" Section 52-A of the existing Act enables any person interested in any land to apply to the Rent Settlement Authority for a declaration that a transaction entered into on or after 1st January 1916 and purporting to be a mortgage is not a mortgage, but a transaction by way of kanam, kuzhikanam, verumpattam or other lease. As the provision for the appointment of Rent Settlement Authorities is being deleted, it was proposed to delete section 52-A also in the expectation that the civil courts could decide issues of the kind covered by that section. The Joint Select Committee however thought that a specific provision was necessary and accordingly decided to insert a new section (section 11) under which any person interested in any land may claim and prove that a transaction of the kind under reference is not in fact a mortgage but one in the nature of a regular tenancy.

" New section 52-C introduced by clause 22 of the Bill, provides that any document executed by a cultivating verumpattamdar after 28th July 1950 and before the commencement of the present Amendment Bill, purporting to affect his rights or status as tenant shall be voidable at the option of the cultivating verumpattamdar. The period of limitation applicable for a suit to avoid a document is six years under article 120 of the Limitation Act. As the six years' period is too long, this new section has been redrafted so that the tenant can claim possession of the holding by giving the landlord a registered notice within three months and thereafter, if he is not let into possession, he can file a suit for possession within the next three months.

" The Bill as amended by the Joint Select Committee introduces a new section—section 52-D—specially applicable to the 33 villages of the South Kanara district to which the Malabar Tenancy Act applies. In these villages, the tenures are described both by the Kanarese terms such as mulgeni, kayamgeni, vaidegeni, chalgeni, etc., and the Malayalam terms such as kuzhikanam, kanam and varachit. The terms kanam, kuzhikanam, etc., have a slightly different meaning in the villages of South Kanara. The new section 52-D has therefore been introduced so that the Government may by notification apply the Act to the areas in question subject to the necessary adaptations, exceptions and modifications.

" The mulgeni tenant in the South Kanara district now enjoys more or less absolute fixity of tenure and has more advantages than any category of tenant under the Malabar Tenancy Act. It has therefore been made clear in the Act by an amendment to the definition of 'tenant' that the Act shall not apply to a mulgenidar.

" The Joint Select Committee has amended section 54 (3) of the principal Act to the effect that the rules issued under the Act will come into effect as soon as they are published in the *Fort St. George Gazette*.

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"Clause 19 of the original Bill sought to extend the benefits of the Act to a mortgagee who has been in actual possession of the mortgaged land for 20 years or more by preventing his eviction except when the mortgagor required the land for his own cultivation. The Committee has deleted that clause.

"Sir, I have now briefly summed up all the important changes introduced by the Joint Select Committee. I am sure, Sir, that all sections of this House will agree that the Bill as it has emerged from the Committee is a definite improvement on the previous Bill and confers very substantial benefits on the tenant classes in Malabar and the other areas to which it applies and which their counterparts in the other areas of the State do not enjoy. Sir, the Malabar land tenure system, as you are no doubt aware, is one of the most complicated land tenure systems in the world and consequently, in the course of its deliberations, the Joint Select Committee had to deal with several intricate issues and it was but natural that there had not been complete unanimity of opinion on some such issues. At any rate, Sir, I am glad to state that although there had not been complete unanimity, my friends opposite who served on the Committee had given their maximum co-operation and have contributed in no small measure to make the deliberations of the Committee a complete success.

"Seven dissenting minutes by the hon. Members have been received. They deal mainly with bona fide evictions, fixation of fair rent, fixity to ulkudi holders, etc. These points were fully discussed in the deliberations of the Select Committee and it was only after taking into consideration all the aspects of the question the report of the Select Committee was finalized. The Government have decided to introduce an amendment to section 7 of the principal Act under which, for the first 12 years, the fair rent payable by the tenant shall not exceed three times the rent payable by him for the agricultural year 1949–50. Provision is also made that such increase shall be spread over a number of years so that in no year shall the rent be more than one and a half times the rent payable for the year immediately preceding. Provision is also made to enable the tenant, if he so elects, to pay the rent fixed in kind.

"The Government are proposing an amendment to section 51 to enable the fixation of price every three months so that the complaints voiced forth on the floor of the House that the Collector has not notified the price may not be repeated hereafter. It is also decided to fix the price as the average price within those three months.

"Sir, I hope the Bill when passed into an Act will be able to restore harmony between the landlords and the tenants. I have nothing more to add. Whatever I have to say, I will say in the course of my reply to the various points raised by the hon. Members during the discussion."

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MR. SPEAKER:—" Motion moved—

' That the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953), as amended by the Joint Select Committee be taken into consideration.' "

II.—GOVERNMENT MOTIONS—*cont.*

(2) MOTION UNDER PROVISO TO RULE 24 OF THE MADRAS ASSEMBLY RULES.

THE HON. SRI C. SUBRAMANIAM:—" Sir, before we proceed to consider the Malabar Tenancy Bill, I wish to move the following motion:— 10-10 a.m.

' *That rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 7th January* 1954.'

" I may inform the hon. Members that 9th January 1954 will be a non-official day."

MR. SPEAKER:—" I think the Hon. Leader of the House has moved the motion in consultation with the leaders of various parties and so the House will give permission to the Government to transact official business to-morrow. The question is—

' That rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 7th January 1954.' "

The motion was put and carried.

IV.—PRESENTATION OF PETITION TO THE HOUSE BY SRI P. RAMAMURTHI, M.L.A.

* SRI P. RAMAMURTHI:—" கனம் சபா நாயகர் அவர்களே, மலையாள ஜில்லாவிலிருந்து லட்சக் கணக்கான விவசாயிகள், இப்போது விவாதத்தில் எடுக்கப்பட்டிருக்கக் கூடிய இந்த மலையாள குடிவார பாத்தியதை சம்பந்தமாக அவர்களுக்கு இருக்கக்கூடிய எதிர்ப்புகளைத் தெரிவித்துக்கொள்ள ஒரு நீண்ட மகஜரை சட்ட சபைக்கும், சட்ட சபை சபா நாயகருக்கும், சட்ட சபை அங்கத்தினர்களுக்கும் இந்த சட்ட சபையின் 142-வது விதியின் கீழ் சமர்ப்பிக்க இங்கே வந்திருக்கிறார்கள். அந்த லட்சக்கணக்கான விவசாயிகளின் சார்பாக 41 பேர்களைக் கொண்ட விவசாயிகளுடைய தூது கோஷ்டி ஒன்று இப்போது இங்கே வந்திருக்கிறது. அதன்படி அவர்களால் கொடுக்கப்பட்டிருக்கும் நீண்ட மகஜர் இதோ இருக்கிறது. (சபையில் சமர்ப்பிக்கப்பட்டது.) அதன் சுருக்கம் என்ன எனபதைச் சொல்லுகிறேன்.

" மலையாளத்திலுள்ள விவசாய மக்கள் நீண்ட காலமாக போராட்டங்கள் நடத்திவந்ததன் காரணமாக, அதன் விளைவாக, 1930-ம் வருஷத்தில் இருந்ததை விட இன்றைக்கு பார்க்கும்போது சிறு சிறு மாறுதல்கள் ஏற்பட்டுள்ளன. ஆனால் இப்போது இங்கு கொண்டு வந்திருக்கும், போராட்டத்தை தொடர்ந்து நடத்தி கொண்டு வந்திருக்கும் வகையிலே ஒரு நீண்ட மகஜர் சமர்ப்பிக்கப்பட்டு, அவர்களுக்கு ஒரு நியாயமான முறை வகுக்க வேண்டுமென்று வந்துள்ளனர். நியாயம் வழங்குவதற்கு பதிலாக . . . . "